



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

Washington, DC 20528 / [www.oig.dhs.gov](http://www.oig.dhs.gov)

October 29, 2019

Tanvi Misra  
MuckRock News, DEPT MR 79624  
411A Highland Ave  
Somerville, Massachusetts 02144

SUBJECT: OIG Freedom of Information Act Request No. 2019-IGFO-00231  
Final Response

Dear Ms. Misra:

This responds to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS) Office of Inspector General (OIG), dated August 27, 2019, seeking all significant incident reports (SIRs) and significant event notifications (SENs) to date regarding the upcoming investigation into why migrants and asylum seekers are spending more than 72 hours in Customs and Border Protection custody. Your request was received in this office on August 28, 2019.

In response to your request, a search was conducted in the DHS-OIG Office of Inspections.

As a result of our search, we have determined that the records you seek pertain to a matter that is ongoing. Because your request covers documents involving an ongoing DHS-OIG inspection, the documents are withheld pursuant to the deliberative process privilege of Exemption 5 of the FOIA, 5 U.S.C. § 552(b)(5). Although other exemptions may be applicable to these records, DHS-OIG is not in a position to assert other exemptions at this time since this matter is still pending.

Please note that DHS-OIG posts all of its non-classified final reports on the DHS-OIG web site at <http://www.oig.dhs.gov/>. You may, therefore, wish to check this web site periodically to see if the final report of this document is posted, or in the alternative, sign up to receive email notifications when a report is posted on our web site.

**Appeal**

This is the final action this office will take concerning this matter. You have the right to appeal this response.<sup>1</sup> Your appeal must be in writing and received within 90 days after the date of this response. Please address any appeal to:

FOIA/PA Appeals Unit  
DHS/Inspector General  
STOP 0305  
245 Murray Lane, SW  
Washington, DC 20528-0305

Both the envelope and letter of appeal must be clearly marked "Freedom of Information Act Appeal." Your appeal letter must also clearly identify DHS-OIG's response. Additional information on submitting an appeal is set forth in the Department of Homeland Security regulations at 6 C.F.R. § 5.8.

### **Assistance and Dispute Resolution Services**

Should you need assistance with your request, you may contact DHS-OIG's FOIA Public Liaison. You may also seek dispute resolution services from our FOIA Public Liaison. You may contact DHS-OIG's FOIA Public Liaison in any of the following ways:

FOIA Public Liaison  
DHS-OIG Counsel  
STOP 0305  
245 Murray Lane, SW  
Washington, DC 20528-0305  
Phone: 202-981-6100  
Fax: 202-245-5217  
E-mail: [foia.oig@oig.dhs.gov](mailto:foia.oig@oig.dhs.gov)

Additionally, the 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made

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<sup>1</sup> For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

under the Privacy Act of 1974. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road - OGIS  
College Park, MD 20740-6001  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Web: <https://ogis.archives.gov>  
Telephone: 202-741-5770  
Fax: 202-741-5769  
Toll-free: 1-877-684-6448

If you have any questions about this response, please contact us at 202-981-6100.

Sincerely,

*Carlita Blocker*

FOIA/PA Disclosure Specialist